

**CITY GOVERNMENT
OFFICIAL PROCEEDINGS OF CITY COUNCIL
SAVANNAH, GEORGIA
January 26, 2011**

The regular meeting of Council was held this date at 2:00 P.M. in the Council Chambers of City Hall. A moment of Silent Prayer was given by Mayor Pro-Tem Edna Jackson, followed by the Pledge of Allegiance to the Flag. The Minutes of the meeting of January 13, 2011 City Council Meeting and the January 13, 2011 Summary Minutes of the City Council Workshop and City Manager's Briefing were approved upon motion of Alderman Thomas, seconded by Alderman Felser, and carried. The Minutes of the meeting of the Special City Council Meeting of January 18, 2011 and the continued Work Session and the Executive Session held at the Georgia Center for Continuing Education on January 19, 2011 were approved upon motion of Alderman Clifton Jones, seconded by Alderman Mary Osborne, and carried with Alderman Jeff Felser voting no.*

PRESENT: Mayor Otis S. Johnson, Presiding
Mayor Pro-Tem Edna B. Jackson
Alderman Tony Thomas, Chairman of Council
Alderman Van Johnson, II, Vice-Chairman of Council,
(Out of town until 2:30 p.m.)
Aldermen Larry Stuber, Clifton Jones, Jeff Felser, Mary Osborne
and Mary Ellen Sprague

Acting City Manager Rochelle S. Toney
City Attorney James B. Blackburn
Asst. City Attorneys William W. Shearouse and Lester B. Johnson, III

*Jeff Felser stated he was voting no on the minutes of the Special City Council Meeting of January 18, 2011 based on the fact of his personal opinion, the meeting that morning was conducted, at least not with the spirit of the Georgia Open Records Law. He said it has long been a goal of most of them to be open, transparent, and accountable, and in accordance with the letter and spirit of the law. Also, in voting no, he wanted to make it very clear that he was in no way implementing wrong doing on the part of the Clerk of Council Dyanne Reese; who is a Clerk and followed the orders she was given. This is a legal matter, subject to counsel's decisions. He stated he did not feel the minutes reflect the controversy and potential legality of the meeting and he could not vote to approve the minutes. Mayor Johnson asked him if he was present and if it was illegal, why he did not excuse himself from the meeting. Alderman Felser stated he was present and he did not leave because he was not the City Attorney; the City has an attorney who provides them with legal counsel and gets paid quite a large fee, and if that be known, it is the City Attorney's job and it is the Council's duty to follow his instructions. He also stated, upon further knowledge he had learned about how the meeting was set up and not posted and he believed that the City Attorney's instructions, or lack thereof, was wrong. Mayor Johnson stated, let the record show that Alderman Felser participated in all of the activities of the alleged illegal meeting

Upon motion of Alderman Osborne, seconded by Alderman Jones, approval was given for the Mayor to sign an affidavit and resolution for an Executive Session held January 19, 2011 to discuss personnel, where no votes were taken (SEE RESOLUTIONS).

Upon motion by Alderman Osborne, seconded by Alderman Felser, and carried Sandy L. Brown, Assistant to the Clerk of Council, was appointed as Acting Clerk of Council to sign in the absence of the Clerk of Council.

PRESENTATIONS

Eileen Baker, Cultural Affairs Director, thanked the Mayor and Council in their investment in arts and cultural, because it makes the City of Savannah what it is today. She then introduced Shirley James, Black Heritage Festival Coordinator. Ms. James also thanked the Mayor, Council and citizens and extended an invitation to the 22nd Annual Savannah Black Heritage Festival, February 1-13, 2011. Ms. James went over all of the activities for the festival and introduced Mattie Johnson and Varnette Goode, committee members.

LEGISLATIVE REPORTS

As advertised, the following alcoholic license petitions were heard. Upon motion of Alderman Jackson, seconded by Alderman Thomas, and carried, they were approved:

ALCOHOL BEVERAGES LICENSE HEARING

Karim Ladha for Samal, Inc. d/b/a Smart Stop, requesting renewal of a beer and wine (package) license at 1114 Abercorn Street, which is located between Duffy Street and Park Avenue in District 1. Persons living near 1114 Abercorn Street filed a petition objecting to the renewal of this license based on 645 calls for service from January 1, 2006 through November 12, 2010. (The Alcoholic Beverage Ordinance provides that where objections have been filed applications for renewal must be approved by the Mayor and Aldermen instead of by the City Treasurer.) The Savannah - Chatham Metropolitan Police Department reviewed the calls and reports no major problems with the operation of the business, no violations of laws and regulations relating to the sale of alcoholic beverages, most of the calls were from the business to report shoplifters and disorderly persons, and the calls decreased from 191 in 2009 to 77 in 2010.

Mayor Johnson opened the Public Hearing. Alderman Thomas stated the Council had a concern over the number of calls for service. Mr. Sameer Jessani stated his calls were not alcohol related. Alderman Jackson suggested he hire an off-duty officer to help out in his store so that he did not have to call the police so many times; and he would also serve as a deterrent. Alderman Sprague stated she never wanted to discourage anyone from calling the police; however, when someone calls so many times they are taking resources away from others. She suggested he install cameras, to which Mr. Jessani stated he had them installed. Mayor Johnson asked the City Manager to contact the Chief of Police and have the Crime Prevention Officer contact Mr. Jessani and participate in the Problem Oriented Policing Program, and the Police Department will do what they can to clean-up this area.

Mike Horner with the Victoria Neighborhood Association stated Mr. Jessani's store was not a positive aspect of the neighborhood. He stated Mr. Jessani said he would renovate the store, but it is an eyesore with beer cans, wine bottles, and public urination. He asked Council to reconsider the approval of the license. Mayor Johnson asked the City Attorney's opinion and Mr. Blackburn stated Mr. Jessani had not violated any of the laws of licensing. Alderman Thomas told Mr. Jessani that his place of business in looked at as being a nuisance in the neighborhood. At that point there are a set of regulations to go by. However, now that it is out in the open that there have been so many calls at that location, the owner is on notice that now, action is needed to clean it up. He also requested a follow-up report on the location; he has a responsibility as an owner. Alderman Jackson stated it is an on-going problem and Mr. Jessani needs to sit down with the neighborhood association and work out a time frame for his intentions. City Manager Toney suggest a review in 60-days. Upon motion by Alderman Jackson, seconded by Alderman Thomas, and carried the hearing was closed. Upon motion by Alderman Jackson, seconded by Alderman Thomas, and carried, the license was approved.

ORDINANCES

First and Second Readings

Rezone 310 W. Charlton Street (Z-101124-50558-2). An ordinance to rezone 310 W. Charlton Street from BC (Community Business) to RIP-A (Residential, Medium Density).

Ordinance read for the first time, and read a second time in Council January 26, 2011, placed upon its passage, adopted and approved upon motion of Alderman Thomas, seconded by Alderman Felser, and carried.

AN ORDINANCE To Be Entitled

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM ITS PRESENT ZONING CLASSIFICATION OF BC (COMMUNITY BUSINESS) TO A RIP-A (RESIDENTIAL, MEDIUM DENSITY) ZONING CLASSIFICATION; TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in a regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: The following described property be rezoned from its present zoning classification of BC (Community Business) to a RIP-A (Residential, Medium Density) zoning classification:

Legal Description

Beginning at a point [X 987270.61 Y 756053.984] located on the centerline of West Charlton Street, approximately 74.934 feet West of the intersection of the centerlines of Jefferson Street and West Charlton Street, thence proceeding along a line in a Northeasterly direction N 16-38-41 E for approximately 73.736 feet to a point thence proceeding along a line in a Northwesterly direction N 73-21-19 W for a distance of approximately 27.4 feet to a point thence proceeding along a line in a Southwesterly direction S 16-31-47 W for a distance of approximately 74.07 feet to a point thence proceeding along a line in a Southeasterly direction S 74-3-14 E for a distance of approximately 27.254 feet to a point, said point being, the point of beginning. The property is further identified by the Property Identification Number as follows: P.I.N 2-0015-07-003

SECTION 2: That the requirement of Section 8-3182(f)(2) of said Code and the law in such cases made and provided has been satisfied. That an opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News, on the 30th day of December, 2010, a copy of said notice being attached hereto and made a part hereof.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED JANUARY 26, 2011.

Water Conservation Ordinance Update. An ordinance to amend the Water Conservation Ordinance to add Sec. 5-3006, Use of Outdoor Water, to require that use of outdoor water shall comply with the most recent Permit to Use Groundwater as issued to the City of Savannah by the Georgia Department of Natural Resources Environmental Protection Division. The Water Conservation and Stewardship Act of 2010 requires all Georgia Municipal water providers to adopt ordinances restricting outdoor water use. Since 2007, the City of Savannah Groundwater Withdrawal Permit issued by the Georgia Environmental Protection Division has required the City to limit outdoor water use to three days a week with no watering between the hours of 10:00 AM and 4:00 PM. This proposed update to the existing Water Conservation Ordinance is in compliance with the

2010 Act and does not change or add requirements to the existing outdoor water restriction policy.

Ordinance read for the first, and read a second time in Council January 26, 2011, placed upon its passage, adopted and approved upon motion by Alderman Jones, seconded by Alderman Jackson, and carried.

AN ORDINANCE
To Be Entitled

AN ORDINANCE PURSUANT TO O.C.G.A, 12-5-7 TO ADOPT THE STATE MINIMUM STANDARDS AND BEST PRACTICES FOR IMPROVING EFFICIENCY AND EFFECTIVENESS OF WATER USE; TO PROVIDE FOR ADDITIONAL REGULATIONS AS PROVIDED IN THE DEPARTMENT OF NATURAL RESOURCES GROUNDWATER USE PERMIT; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in a regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: That Part 5, Municipal Utilities, Chapter 3. Water Conservation Restrictions, of the Code of the City of Savannah, Georgia (2003) be amended by adding thereto a new Section as follows:

Sec. 5-3006. Use of Outdoor Water.

Pursuant to O.C.G.A., 12,-5-7, the minimum state standards for outdoor watering are hereby adopted. In addition thereto, the City Manager is directed to publish additional standards in compliance with the requirements of the Permit to Use Groundwater as issued to the City of Savannah by the Georgia Department of Natural resources Environmental Protection Division.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED THIS 26TH DAY OF JANUARY, 2011.

RESOLUTIONS

A RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH AUTHORIZING THE MAYOR TO SIGN AFFIDAVIT OF EXECUTIVE SESSION

BE IT RESOLVED by the Mayor and Aldermen of the City of Savannah as follows:

At the meeting held on the 19th day of January, 2011 the Council entered into a closed session for the purpose of discussing personnel. At the close of the discussions upon this subject, the Council reentered into open session and herewith takes the following action in open session:

1. The actions of Council and the discussions of the same regarding the matter set forth for the closed session purposes are hereby ratified;
2. Each member of this body does hereby confirms that to the best of his or her knowledge, the subject matter of the closed session was devoted to matters within the specific relevant exception(s) as set forth above;
3. The presiding officer is hereby authorized and directed to execute an affidavit, with full support of the Council in order to comply with O.C.G.A. §50-14-4(b); 17
4. The affidavit shall be included and filed with the official minutes of the meeting and shall be in a form as required by the statute.

ADOPTED AND APPROVED THIS 26TH DAY OF JANUARY, 2011, UPON MOTION BY ALDERMAN OSBORNE, SECONDED BY ALDERMAN JONES, AND CARRIED

2011 City of Savannah Municipal Elections. A resolution to call for the 2011 City of Savannah Municipal Elections, set the qualifying fees and approve contracting with the Chatham County Elections Board to conduct the elections.

Clerk to Council Dyanne Reese reported to Council that the State requires a resolution prior to February 1st in the year of an election.

2011 CITY OF SAVANNAH MUNICIPAL ELECTIONS

A RESOLUTION FOR THE 2011 CITY OF SAVANNAH MUNICIPAL ELECTIONS, SETTING THE QUALIFYING FEE AND APPROVING CONTRACTING WITH THE CHATHAM COUNTY ELECTIONS BOARD TO CONDUCT THE ELECTION.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Aldermen of the City of Savannah that the Municipal Election for the Offices of Mayor and Aldermen of the City of Savannah will be held Tuesday, November 8, 2011 to fill all vacancies for Mayor, Aldermen at Large Posts 1 and 2, and Aldermanic Districts 1 through 6. The qualifying fee is 3% of the total gross salary of the elected official's salary paid in the preceding calendar year including all supplements authorized by law. Be it further resolved, that the Clerk of Council notifies the Chatham County Elections Board that the City of Savannah authorizes a contract with them to conduct the election.

ADOPTED AND APPROVED THIS 26TH DAY OF JANUARY, 2011, UPON MOTION BY ALDERMAN JACKSON, SECONDED BY ALDERMAN THOMAS, AND CARRIED

Upon motion of Alderman Thomas, seconded by Alderman Stuber and carried, the following **bids, contracts and agreements** were approved:

BIDS, CONTRACTS AND AGREEMENTS

Time Extension for Little Neck Road Bridge Agreement. In 2006 International Paper Realty Corporation (IPRC) agreed to fund half of the cost of a new bridge to replace an existing bridge on Little Neck Road within the City. It would have been the public's responsibility to eventually fund the total cost of the bridge replacement in the future, however, IPRC agreed to undertake the project and fund half the cost in order to accelerate the replacement. The City's share of the bridge replacement cost is limited to \$700,000 (which was 50% of the estimated cost of the project at the time of the 2006 agreement). Any cost in excess of \$700,000 is the responsibility of IPRC, and reimbursement is not payable until after project completion and acceptance. This agreement is due to expire on July 5, 2011. IPRC has conveyed its interest in the project to Figure 8, LLC, a land development company. Figure 8 has requested that the time limit on the agreement be extended to December 31, 2013. It is in the City's interest to keep in place the prospect of having Figure 8 fund half the cost of this project, therefore it is recommended that the City Manager be authorized to execute an amendment to the agreement which extends the agreement date to December 31, 2013.

Autodialers – Annual Contract - Bid No. 10.298. Renewed an annual contract to procure auto dialers from USA Bluebook in the amount of \$49,499.70. The auto dialers will be used by Sewer Conveyance to provide a telephone based automatic monitoring system for use in various wastewater pumping stations. Delivery: 20-30 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Water & Sewer Operating Fund/Lift Station Maintenance/Equipment Repair Parts (Account No. 521-2553-51335).

Loader/Tool Carrier – One Time Purchase – Requisition No. 11200165. Approved to procure one loader/tool carrier from JCB of Georgia in the amount of \$91,602.00. Streets Maintenance will use this unit to replace unit 1210 which is no longer economical to repair or operate. JCB of Georgia (formerly Low Country Machinery) was awarded Bid No. 10.160 in August 2010 and has offered to hold the bid price for this purchase. Streets Maintenance requires a clamshell bucket rather than the standard general purpose bucket for this loader. Staff negotiated a credit for the standard issue bucket and a price of \$6,102.00 for the clamshell bucket. This price is included in the total cost. Delivery: 60

Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Vehicle Replacement Fund/Vehicle Purchases/Vehicular Equipment (Account No. 613-9230-51515).

Sewer Jet Truck – One Time Purchase – Requisition No. 11200164. Approval to procure one sewer jet truck from Freightliner of Savannah in the amount of \$127,557.00. The truck will be used by Sewer Maintenance to replace unit 3806 which is no longer economical to repair or operate. Freightliner was awarded Bid No. 10.276 in November 2010 and has offered to hold the bid price for this additional purchase. Delivery: 120 Days. Funds are available in the 2011 Budget, Vehicle Replacement Fund/Vehicle Purchases/Vehicular Equipment (Account No. 613-9230-51515).

Surveillance Camera Equipment – One Time Purchase – Bid No. 10.296. Approval to procure surveillance cameras and equipment from Kintronics, Inc. in the amount of \$78,460.00. The cameras and related equipment will be used by Savannah-Chatham Metropolitan Police Department to expand surveillance on Bay, River and Montgomery Streets. Delivery: 10-14 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Other Federal Grants/Justice Assistance Grant/Operating Supplies & Materials/Small Fixed Assets/Byrne Jag Recovery Act (Account No. 212-4282-51320/51321-ES029).

Fire Hydrants and Repair Parts – Annual Contract – Bid No. 10.248. Awarded an annual contract to procure fire hydrants and repair Parts from Ferguson Waterworks (Items 1 and 2) in the amount of \$49,758.08 and from Consolidated Pipe & Supply (Items 3-9) in the amount of \$49,468.90. The fire hydrants are maintained in inventory at the Central Warehouse and are used to replace failing fire hydrants in the water distribution system. Delivery: 5 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Internal Service Fund/No Department/Inventory (Account No. 611-000-11330.)

Software Maintenance and Support – One Time Purchase – Requisition No. 11197159. Approval to procure software maintenance and support from MS Govern in the amount of \$27,563.00. The software maintenance will be used to maintain the software application used for property tax, central cashiering and property control functions within the Revenue Department. The reason for the sole source is that this maintenance is only available from the software publisher. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, Internal Service Fund/Information Technology/Data Processing Equipment Maintenance (Account No. 611- 1140-51251).

Side Loader Refuse Body – One Time Purchase – Requisition No. 11200166. Approval to procure one side loader refuse truck body from Consolidated Disposal Systems, Inc. in the amount of \$144,980.00. The body will be used by Sanitation to replace unit 0710 which is no longer economical to repair or operate. Consolidated Disposal was awarded Bid No. 08.195 in September 2008 and has offered to hold the bid price for this purchase. The reason for not awarding to the low bidder, Municipal Equipment, was that the equipment they offered did not meet the minimum specifications in regard to hopper size or design. Delivery: 750-100 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Vehicle Replacement Fund/Vehicle Purchases/Vehicular Equipment (Account No. 613-9230-51515).

Severe Duty Rear Loader Refuse Bodies – One Time Purchase – Requisition No. 11200167. Approval to procure five rear loader refuse bodies from Consolidated Disposal in the amount of \$292,000.00. The bodies will be used by Sanitation to replace units 0711, 0713, 0716 and 0717 which are no longer economical to repair or operate. The bodies will be mounted on chassis provided by Crane Carrier which were approved by Council January 13, 2011. Consolidated Disposal was awarded Bid No. 06.280 for rear loader refuse bodies in October 2006. On bodies purchased in 2009, there was an 8.5% increase in cost due to higher cost of raw materials. Consolidated has offered to hold the 2009 price which is still lower than the second low bidder's 2006 price. Delivery: 30-45 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Vehicle Replacement Fund/Vehicle Purchases/Vehicular Equipment (Account No. 613-9230-51515).

Cart Tippers for Sanitation Trucks – Sole Source – Requisition No. 11200168. Approval to procure ten cart tippers from Consolidated Disposal Systems in the amount of \$26,750.00. The tippers will be installed on five rear body refuse trucks. The reason for a sole source purchase is that in 2001 Bayne tippers were selected through a bid process. Based on performance and safety factors the City has since standardized on the Bayne

tipper. Bayne no longer sells directly to municipalities but through regional distributors. Consolidated Disposal is the Bayne distributor for this area. The cost for each tipper has only increased by 5% since the 2001 bid. Delivery: 30 Days. Terms: Net- 30 Days. Funds are available in the 2011 Budget, Account No. Vehicle Replacement Fund/Vehicle Purchases/Vehicular Equipment (Account No. 613-9230- 51515).

Shortel Maintenance – Annual Contract Renewal – RFP No. 11.013. Renewed an annual contract to procure Shortel Maintenance from Stormwood, Inc. in the amount of \$61,816.00. The maintenance is needed to maintain the Shortel software and switches and provide on-site technical support. The reason for not originally selecting the lowest cost proposer is that Alterra Network did not have the required certification and did not include telephone support in the cost proposal. This is the first of four renewals available under the contract. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, Internal Service Fund/Information Technology/Equipment (Account No. 611-1140-51251).

Transportation Services for Golden Age – Annual Contract Renewal – Bid No. 11.012. Renewed an annual contract to procure transportation services from JLM Transport Service, Inc. in the amount of \$98,824.00. The contract provides transportation for the elderly to various Recreation Services Golden Age programs. The original contract estimated 10,250 trips but the actual number of trips in 2010 were 6,916. JLM is requesting a rate increase from 13.20 to \$14.00 due to increases in the cost of gasoline however this is still less than the original next low bidder. This is the first of two available renewals. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, General Fund/Senior Citizens/Other Contractual Services (Account No. 101-6117-51295).

Elevator Servicing – Annual Contract Renewal – Bid No. 11.017. Renewed an annual contract to procure elevator servicing from Oracle/Atlantic Coast Elevator, Inc. in the amount of \$45,393.12. The elevator servicing is needed to maintain and repair the elevators in various City buildings. This is the last of four available renewals for this contract. Although several solicitations were originally made, only one bid was received. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, Building Maintenance (Account No. Various 51244).

Police Sedans – One Time Purchase – Requisition No. 11200169. Approval to procure 38 police sedans from J.C. Lewis Ford in the amount of \$823,802.00. The vehicles will be utilized by Savannah-Chatham Metropolitan Police Department to replace units that are no longer economical to repair or operate. Thirty-one of the replacement sedans are for Patrol; one is for Investigation, two are for Traffic, one is for Mounted Patrol, two are for Canine and one is for Information Management. J.C. Lewis was awarded Bid No.10.012 in February 2010 under the Local Vendor Preference Ordinance matching the low bid offered by non-local Wade Ford. J.C. Lewis has offered to hold the 2010 award price for this purchase. Delivery: 2 Weeks. Terms: Net-30 Days. Funds are available in the 2011 Budget, Vehicle Replacement Fund/Vehicle Purchases/Vehicular Equipment (Account No. 613-9230-51515). Alderman Sprague had asked City Manger Toney questions earlier to which Ms. Toney expressed the detectives get new cars when their current one is 7-years old and have 85,000 miles on it. Alderman Sprague stated that this was one of those situations where the Local Vendor Ordinance was exercised. Upon motion by Alderman Sprague, seconded by Alderman Felser, and carried, the sedans were approved.

Mayor Johnson stated the Greater Savannah International Alliance has an opening and previously 2-alternates were chosen; therefore, he recommend one of them fill this open position. Upon motion by Alderman Jackson, seconded by Alderman Thomas, and carried, Maria Lancaster was appointed to fill the unexpired term of Eric Johnson, for a two-year term ending December 31, 2012.

ALCOHOLIC BEVERAGE LICENSE SHOW CAUSE HEARINGS

Malone's on the River. A hearing for Brijesh Patel and Arun C. Patel to show cause why their bar known as Malone's on the River at 313-317 W. River Street, located between the Barnard Ramp and Martin Luther King, Jr. Boulevard in District 1, should continue to operate due to violations of State law and City ordinances in allowing underage persons

into the establishment on a regular basis prior to the expiration of the 2010 license to sell liquor, beer and wine by the drink. (Continued from January 13, 2011.)

City Attorney Blackburn stated, prior to the meeting, and per the Council's instructions, he wrote the license holder and the owners of the property on River Street known as Malone's. A copy of the letter he wrote to the owners was previously sent to Council. He said he cited in his letter that the City has not received a renewal application; however, they were still operating under the long-standing law allowing up to January 25, 2011. Charges are still pending in Recorder's Court. The license holder presented to the Revenue department, an incomplete application. They notified him and he presented one completed January 21, 2011. Mr. Blackburn stated under the Alcohol License Code, 6-1208, the grounds for not issuing a license; one being changes in the previous year's information. The application that Mr. Patel filed has some changes. Mayor Johnson stated he did not want to get into a contest between two lawyers arguing the contents of the law. He asked Council to agree to give the owners another two-weeks and hopefully they would have more information and data to make a decision. Alderman Johnson stated he was concerned about the "pattern," including another violation on the past Saturday. Upon motion by Alderman Jackson, seconded by Alderman Stuber, and carried, the hearing was postponed until February 10, 2011.

Mayor Johnson stated a situation has been uncovered that needs their attention. The City Charter says the City Manager shall be bonded for \$50,000. In the 1990's a practice was established to have a one-million dollar bond on the City Manager; but the City Council did not make a policy mandating this. The present City Council discussed it and believed it to be a good policy; but the Council needed to make it legal and not a practice. Mayor Johnson made a motion to inform the City Attorney to make the adjustment to the Charter. Alderman Johnson stated a lot of the confusion has been the actual purpose as related to the bond and what it covers. Mayor Johnson stated it would cover any malfeasants of the City Manager in the handling of City funds; it is to protect the City. It was set at \$50,000 in 1952. The practice was set by Michael Brown when he came back to Savannah from Columbus, GA. It is not a policy, but a practice. Alderman Stuber stated it was his understanding that a million-dollar bond is required of the Revenue Officer; to which Mayor and Council stated was correct. Upon motion by Alderman Stuber, seconded by Alderman Felser, and carried, the motion was made to instruct the City Attorney to craft the language to change the City Charter to to require the City Manager and any Interim City Manager, be bonded for one-million dollars. Alderman Osborne stated, for the record, the Charter required \$50,000 bonding to cover the City Manager, in spite of the fact that a practice was made without the approval of Council, but now, Council is legalizing it by changing it from a practice to a policy. Alderman Thomas stated they all needed to look at some of the statutes that are still on the books that are not being practiced. Mayor Johnson agreed that often any organization needed to review their legal documents. Clerk of Council Dyanne Reese told Council that every 10-15 years the City Code is re-codified.

Alderman Jones suggested asking the citizens for comments. Mark Brown from Rincon, GA, stated he conducts business in Savannah. He commended Council for their efforts to increase the bonding but felt one-million dollars was short in today's economy. He stated there should be an amendment stating it would be adjusted with inflation. Mayor Johnsons stated the Council feels that one-million dollars (bonding), gives the adequate protection. He then asked the City Attorney to explain the fiduciary responsibilities of the City Manager, and how the City has checks and balances on the position. City Attorney Blackburn stated the Charter was last revised in 1974, determining who could sign checks, how it is set up through financial administration, and provides that all City employees are under a blanket bond. Therefore, every employee that is in the chain of command is covered for one-million dollars by a surety bond, backed by a surety company. Also, from a policy stand-point, there is another section that says at the discretion of Council, they set the amount. It has been set as a policy and through the budgetary process, and has been, for many years a million dollars. The bond of the City Manager is separate and the Treasurer is separate because the Treasurer collects the money; therefore, they are treated differently than any other employee. However, all employees are covered under the blanket bond. He stated, in reference to the City Manager - the City Manager, with the consent of Council, has the authority to sign the checks, although it has been delegated. Under the Charter and ordinances, the Council has granted the City Manager certain powers and executive powers. The former City

Manager saw this and recognized it, and he chose to put himself under the same bond that the other employees were under. It has been approved by Council, in the budget for the past 10-15 years. Alderman Felser stated it was indeed a teachable-moment, and he told Mr. Blackburn he appreciated it; however, it is a shame for Ms. Toney and the other candidates that were in the process, if it had been addressed 10-months ago. All this could have been avoided and never would have divided Council and the City, had the due diligence been done and the teachable moment had been then. He stated in the past Alderman Thomas has said, and he agreed with him, a lot of comments have vilified the City Manager, and it could have been avoided had the due diligence been done and given to Council from the beginning, as well as the teachable moment. She has had the pay of the City Manager, but not the legal requirements.

Alderman Jackson stated this is the first time something like this has been done in over 50 years. She stated this City Council has tried to make this process as transparent as possible and they were not without fault. This is not a good time to point fingers at anyone; it is a process that they have gone through. She stated it is easy to go back and ask "why" questions, but this is the time to move forward and put the correct information into the Charter and correct something that was never brought before Council. She thanked Mark Brown for his concerns.

Mayor Johnson told Mr. Brown that he appreciated his concern and interest in the City. Mr. Brown told Council that he appreciated their work but he believed there were other areas that needed to be looked at for corrections. Mayor Johnson stated that is why he was proposing a full review of the polices and the Charter of the City. Alderman Johnson stated that is what good organizations do, they review themselves.

Former City Alderman Judy Ross spoke to Council and commended them on bringing the City Charter up-to-date. She stated she was concerned that the Council was unaware that they were operating with a City Official that was supposed to be bonded. She said she has gotten a lot of phone calls about it. She said she had written emails to all of Council and some were not answered. However, she has not received an answer to who knew, and when they knew, and whose job it was to know about it. She stated the Mayor had just said that the million dollars was sufficient because the City has safe-guards. She said she was not impressed with the safe-guards because someone didn't know she (the City Manager) was supposed to have a bond when she was elevated to that position. Mayor Johnson then asked the City Attorney to once again, explain the blanket bond, which he did. Alderman Jones addressed Ms. Ross, stating when she was serving on Council, was she aware of the bond issue. She stated she could not answer if she knew or not, and she was not charging the Council with knowing. She was asking, whose job was, when someone it put in the position of Interim City Manager. Alderman Felser stated it was the City Attorney's responsibility. Mayor Johnson stated Ms. Toney was the Acting City Manager and she is covered under the one-million dollar bond. If she does not get the job as City Manager, she goes back to the job of Assistant City Manager of Public Development. Alderman Thomas told Ms. Ross she deserved an answer and that he had asked the question himself and Alderman Felser had asked, the community had asked, and it has not been answered. He asked again, whose responsibility was it, that whoever became the Acting City Manager, would be bonded - that is the question. Someone was responsible for there being a bond on the Acting City Manager. Mayor Johnson stated when Rochelle Small-Toney was appointed Acting City Manager 9-months ago, a red-flag in Risk Management or somewhere should have gone up. The City Council became aware of the issue when the renewal of the blanket bond was done in December, as it routinely is done. That is when she (Ms. Toney) filled out the application for the million-dollar bond and was refused. Someone did not wait to get all the facts before they went out and said she could not be bonded for \$50,000. It was not a rejection for an application for \$50,000; it was a rejection for an application of one-million dollars. Alderman Johnson told Ms. Ross that he and Council was not going to throw the employees under the bus; they (Council) messed up. However, he statd, they have addressed it, they have taken steps to correct it, and have decided to move forward. Alderman Felser told Ms. Ross that he does have an opinion to her email request: Two or three times the City Attorney reminded them (Council) that they needed to make sure Ms. Small-Toney was operating in accordance with the City Charter. Therefore, he, i.e., the City Attorney was responsible, it was not the Council's fault – and moreover, they did not know it had not been followed because he (the City Attorney) recommendation was ready for reconfirmation – they were not given negative or positive feedback, only that she was ready. They were told that 2 or 3 times; in his personal opinion, the buck stops

with the City Attorney. Alderman Thomas stated he was resolved to the fact that Council will never get the answer as to who was responsible; however, it won't ever happen again. He disagreed with Alderman Johnson as to whose responsibility it was; because it was a legal issue.

Ms. Elizabeth Monco from Skidaway Island asked if the things covered in the insurance policy for the 2,500 employees was different from the Treasurer's. The City Attorney stated they were different; it is the responsibility of the Treasurer to collect the money/taxes therefore, the tax collector must provide a bond. Ms. Monco asked to review the bond, if it was available for public review.

Mayor Johnson stated, earlier in the day in Executive Session, the decision was made to move the City Manager's search forward. In the Executive Session, a consensus was made to advance the search to two-people. Those individuals are Alfred Lott, current City Manager of Albany, Georgia, and Rochelle Small-Toney, Acting City Manager of Savannah, Georgia. The next step would be to have a committee of Council to go to Albany to do further investigation around the candidate Mr. Lott; also, a committee will interview Ms. Toney in Savannah and move the process forward. When the two-committees have completed their work, Council will decide if either one of the two candidates will be appointed (City Manager), or the Council will make another decision about the search. That is the status as of now, but other people are reporting otherwise and that has been the problem in the process. People who are acting and thinking for the Council and doing all they can to assert themselves in the process. The law of the City of Savannah states the appointment will be made by City Council; and upon completion of the tasks, the Council will make a decision.

Alderman Stuber stated, out of respect to his fellow Council Members and out of respect for all 4-candidates; he had no problem with what the Mayor reported, there is a consensus on Council of the two just mentioned. When the process started 6 – 7 months ago, he and his colleagues set out to do a national search to get the best, and most qualified candidates they could find. He stated that he believed that one of the 4-candidates, who was not on the finalist list, was the most qualified. He stated he did his best to identify and promote those qualities to his fellow colleagues, but he was not successful. He said he respected the consensus and he planned to go forward with the process to appoint the most qualified person of the remaining two.

Alderman Felser stated he respectfully greets the decision made today by the Mayor and Council; and like Alderman Stuber he too will go forward with the process. However, he agreed with Alderman Stuber, that in his opinion, the person who was the top candidate of the four has not made it to the final two, despite his similar attempts to talk with fellow Council Members; it did not come down that way. He thanked all employees who presented feedback. In addition, all Council Members took the time to read every form that was filled out at the night of the Candidate's Forum, and he thanked the citizens for filling out the forms. He stated again, in his opinion, the person most qualified would not be going forward; but the Mayor and Council had reached a consensus on two and they have been announced.

Alderman Jones stated he wanted to make a short comment because he was a part of the process. He said he intended to make the best choice based on the information. All the candidates had information and the information was looked at in different manners, and he said he would be guilty of that also. However, no matter what they do now, they have elected to move on with the decision. The comments made now are personal comments and that is to be expected. He said he supported the candidates chosen that morning and he wished the Council could move on and do whatever it is they are supposed to do, according to their directions. The Council had directions they were to follow and even up to this point, there were some who tried to change those directions; and that he hoped they could get beyond it and do what they said they would do on behalf of the City. Everyone knows what the challenges are, they all know each other, and they all know what they are supposed to be doing. He said he did hope Council came together as a group when it is all over and have total support of Council in selecting someone.

Alderman Sprague stated she too agreed with Alderman Stuber and Felser. She stated what she had participated in that day, in Executive Session was the most disheartening

she had ever participated in in, in her 11-years in elected office; and she was very disappointed in her fellow Council Members.

Alderman Thomas stated it was no secret; he had objected the process since they first got the eight-finalist. He expressed his concerns with Scott Riley, Affion Representative. He said he offered an alternative, but the majority rules and he understood that. He stated he thought there were some good candidates, but he did not think they got the best candidates in the nation that could have potentially been pooled to be presented to Council. With no deference to any one person, there has been a lot of rumors and a lot of talk and discussion has been vilifying one of those finalists, and that he did not participate in the vilification. However, he did think that, in his opinion, the process was flawed and he seemed to be the minority on that. He said he read an article in the paper from abroad that stated he was the only one on Council that felt that way, and he felt that way on through until this day. He said they (Council) had consented and had come to a decision on two potential candidates for City Manager, both of who are yet to be vetted and weighed. The choice will be between the 2-individuals that have been selected during the process. He stated he agreed with Alderman Sprague, that this had been a very disappointing process and experience. This is a Council that has embraced itself in building diversity in the community; this Council that has braced itself for being a Council for all people, suddenly divided straight down the line; that can't be denied. However, Council will move forward and make a decision, but based on Council he did not know if they would get 9-0 on whom they choose as City Manager. He said he would not expect it until they had all had a chance to vet it and discuss it. He said he believed that there was a lot about the process that the Council needed to take back, over the next 11-months and talk to themselves about how they are conducting the business of the City. He said he thought it had been piss-poor, the way they had been doing business and he thought it was an embarrassment. He stated he knew some would be pointing their fingers at him, but he thought they needed to look in the mirror that they constantly talk about looking at when they awake. He stated he had a Council Member accuse him of being a racist and he would not tolerate that. He said his choice (for City Manager) would be based on who he thought was best to run the City; not on a preference. However, unfortunately the choice he was given, was made on that preference.

Mayor Johnson stated it was interesting that all along he had left the option out there, that if the Council could not agree when it came down to voting on a single candidate, the process would start over. Alderman Thomas asked him if he was offering the option this date. Mayor Johnson stated, yes he offered it today because until today, they had agreed to let the process work. Now that the white candidate had been eliminated, all of a sudden it is an issue. Alderman Felser stated this was not statesman-like. Alderman Thomas stated it was not but it was the reality of current City Government. Mayor Johnson stated they had a process where they eliminated and choose the finalist; there is nothing making the Council pick either one of them if they didn't want to. In the end, when the committees make their reports, then they (Council) will have to make a vote; if the vote is a "no confidence" in any of the candidates, then that ends the process. If, after the committees make their reports, if there are enough votes on any particular candidate, then the process ends; that is the process. He said he found it interesting, and he said what he needed to say to his colleagues this day and he thought they needed to end the meeting and move forward with the process. He said at every step of the process, there was an alternative. Today, the question was – are there two that they feel should move forward; and the consensus was the two that he previously announced. Once this stage of vetting is over, Council will have another decision – is there one that Council wants to see as City Manager, and they will make the decision at that time. The option was still there, if neither of these two candidates can persuade Council to pick them then the process will begin again. That is the process that all agreed to and the process that has unfolded. Because certain circumstances are not working out as some want, then the entire process is called into question.

Mayor Pro-Tem Jackson stated it had been a very trying process. It has been a process where Council had a consensus from the beginning to the end. It was a unanimous decision when they first decided to select a consultant. The media and the public needs to know that in every step of the process there was a unanimous decision. The company presented the candidates and the Council selected 5. It was a in-depth process; no one was asked to vote for any particular candidate. She stated Alderman Thomas did point out there were some things he did not agree with. She said her way of operation has been to follow the process; she said she felt very comfortable that they (the Council) had

followed the process. She stated she reminded Council they had to continue to follow the process; the process that they, as Council approved by a majority vote. Today, the Council was trying to get a consensus as part of the process; and yes, some of it may have been along racial lines, and some of it wasn't. There are 5-African Americans, one candidate (whom she would not name for fear of their jeopardy), received one of the votes. She said you could not call it along racial lines when you deal with something like that. It was a general consensus and the tide turned when one of the candidates did not make the cut. Council followed a democratic process. She stated it was personal to her because she fought, in the community, to have an integrated City Council; and she was a part of the process that brought integration to City Hall. She said she would not accept the fact that the process was not fair – the process was fair. She spoke to the Mayor saying, by law, personnel matters must be held behind closed doors; sometimes she thinks everyone should be allowed in the meetings in order to get the real, truthful message out. When it is already out in the news that City Council may announce the City Manager – there is something wrong. The community does not need to be polarized, the process needs to be completed; and she does not know if the Council can come back together. Hopefully they can.

Mayor Johnson called for a vote on the City Manger's process. Upon motion by Alderman Johnson, seconded by Alderman Osborne, and carried. Mayor Johnson stated the Council needed to get together and chose committees because the 2-candidates needed to be vetted. Two teams need to go to Albany and 2-needed to work in Savannah. The timeline is a month behind. The target date was to find someone by March.

Alderman Osborne announced a meeting for citizens of the 2nd District, February 3, 2011

There being no further business, Mayor Johnson declared this meeting of Council adjourned.

A handwritten signature in cursive script, reading "Dyanne C. Reese". The signature is written in dark ink on a light-colored, slightly textured background.

Dyanne C. Reese
Clerk of Council